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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY	DOCKET NO.
09/005,479	01/12/98	LEVERGOOD	T	01/139

021005 LM51/1029  
HAMILTON BROOK SMITH AND REYNOLDS  
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WINDER, P EXAMINER

2758 ART UNIT PAPER NUMBER

10/29/99

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/005,479**

Applicant(s)  
**Levergood et al.**

Examiner  
**Patrice L. Winder**

Group Art Unit  
**2758**



☒ Responsive to communication(s) filed on Jan 12, 1998 and preliminary amendment filed on Aug 17, 1999.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 3 and 5-95 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 3 and 5-95 are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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*Election/Restriction*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 3, 5-26, 31-43, 49-63, 67-93, drawn to a method of authenticating client requests to access remote information, classified in class 709, subclass 229.
  - II. Claims 27-28, drawn to returning customized documents to a requesting client, classified in class 709, subclass 217.
  - III. Claims 29-30, 45-49, drawn to counting the number of client requests, classified in class 709, subclass 224.
  - IV. Claims 64-66, 94, 95, drawn to charging for advertising or measuring the effectiveness of advertising based on the link traversals to a page, classified in class 709, subclass 223.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II, III, IV are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because a method of processing service requests by validating or authenticating client requests using a session identifier, client identifier or authorization identifier does not require the features of Inventions II, III, and IV, respectively. The subcombinations have separate utility such as:

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Group II a method of returning customized documents for client requests without a using a method of validating client authorization to gain access to documents as disclosed by the invention of Group I and further without the features of the inventions of Groups III and IV;

Group III a method monitoring a network by of counting the number of client requests without a using a method of validating client authorization to gain access to documents as disclosed by the invention of Group I and further without the features of the inventions of Groups II and IV;

Group IV a method of using the number of link traversals to charge for advertising or measure effectiveness for a web site without a using a method of validating client authorization to gain access to documents as disclosed by the invention of Group I and further without the features of the inventions of Groups II and III.

3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Groups II, III, IV (i.e. the search for the features of Group I is not equivalent to the search for the features of Groups II, III, and IV), restriction for examination purposes as indicated is proper.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

5. A telephone call was made to Gerald Bluhm on October 5, 1999 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is (703) 305-3938. The examiner can normally be reached on Monday-Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

*plw*  
Plw

Thursday, October 21, 1999

*Zarni Maung*  
ZARNI MAUNG  
PRIMARY EXAMINER